

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

ELIZABETH SINES	:	Case No. 3:17-cv-00072
Plaintiff	:	Judge MOON
	:	Mag. Judge Hoppe
	:	
-v-	:	
JASON KESSLER et al.	:	
	:	
Defendants		

**DEFENDANTS' POSITION ON TRANSPORTATION OF CHRISTOPHER
CANTWELL FOR TRIAL**

Defendants Jason Kessler, Nathan Damigo, and Identity Evropa (“Defendants”) respectfully make this submission on the subject of the transportation of Christopher Cantwell for trial.

Defendants agree with plaintiffs that it is within the Court’s discretion whether or not to issue a writ *ad testificandum* regarding Mr. Cantwell. Defendants further agree that it is within this Court’s power to order Cantwell transferred from his current institution to Charlottesville for trial even if there are budgetary or other issues inherent in such an order.

Nevertheless, Defendants are concerned with the plaintiffs’ suggestion that “it would make sense for the Marshals to bring Mr. Cantwell to Charlottesville only for his own testimony (which we would anticipate should last 1- 2 days at most)” (ECF 1080 at p.3). If

Cantwell is brought to the trial, then each party must be given an equal opportunity for a full examination of Mr. Cantwell before the jury. In defendants' view, the Court would abuse its discretion if it permitted plaintiffs to call Cantwell in their case in chief while limiting the other parties to cross while Cantwell is in the courtroom.

It may well be that "1-2 days" is sufficient time for all parties to fully examine Cantwell and for Cantwell himself to provide what testimony he will to the jury. However, given the verbosity of Cantwell's written submissions to the Court, that seems unlikely.

Therefore, defendants respectfully suggest that if the Court orders Cantwell to be produced for trial that he either be permitted to be present for the entire trial or at least for 3 days of court time, so as to avoid prejudicing any defendant herein.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify the above was served on September 18, 2021 on all ECF participants and that parties requiring service by other means were served as follows:

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Respectfully Submitted,

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